



1.

PD3701
LA-93-173-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Inventors: Michael Karin
Masahiko Hibi
Anning Lin

Filed : July 18, 1994

Serial No : 08/ 276,860

Invention : ONCOPROTEIN PROTEIN KINASE

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER RULE 32**

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints:

Martin R. Horn, Reg. No. 18,189; Stuart Lubitz, Reg. No. 20,880; W. Robert Spensley, Reg. No. 17,433; Richard H. Zaitlen, Reg. No. 27,248; John Land, Reg. No. 29,554; Alex Chartov, Reg. No. 31,942; Vincent J. Betusko, Reg. No. 30,820; Rod S. Berman, Reg. No. 31,483; David M. Simon, Reg. No. 32,758; Jay M. Finkelstein, Reg. No. 21,082; Thomas C. Reynolds, Reg. No. 32,488; Roger R. Wise, Reg. No. 31,204; John R. Wetherell, Jr., Reg. No. 31,678; Paul L. Gardner, Reg. No. 22,372; William K. Konrad, Reg. No. 28,888; Louis A. Mok, Reg. No. 22,585; John P. Scherlach, Reg. No. 23,009; Gary D. Mahr, Reg. No. 34,887; Stacy L. Howells, Reg. No. 34,842; June M. Bostich, Reg. No. 31,238; Don F. Livornese, Reg. No. 32,040; Michael M. Gerardi, Reg. No. 33,698; Ted R. Rittmaster, Reg. No. 32,933; Steven C. Sereboff, Reg. No. 17,035; Lisa A. Tumarkin, Reg. No. P38,347; Bruce W. Greenhaus, Reg. No. P37,339; Paul H. Kovelman, Reg. No. 35,228; William H. Wright, Reg. No. 38,312; and Hideo Koda, Reg. No. 27,729

0879913-01397

all of the firm of Spensley Horn Jubas & Lubitz, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be the exclusion of the inventors and their attorney(s) in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice.

Please direct all telephone calls to John R. Wetherell, Jr., Ph.D. at 619-455-5100 and all correspondence relative to said application to the following address:

SPENSLEY HORN JUBAS & LUBITZ
1880 Century Park East
Suite 500
Los Angeles, CA 90067

ASSIGNEE: THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

Date: 8/15/94Signature: Linda S. StevensonTyped Name: Linda S. Stevenson

Title:

Address:

Senior Prosecution Analyst
Office of Technology Transfer
300 Lakeside Drive, 22nd Floor
Oakland, CA 94612-3550

06799913-021397

DECLARATION

ATTORNEY'S DUTY: NO

ED3701

LA-93-173-3

☐ ORIGINAL
☒ CONTINUATION
☐ DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below at 1-4, of the invention entitled:

ONCOPROTEIN PROTEIN KINASE

Which is described and claimed in:

☐ the attached specification or

☒ the specification in application Serial No. 08/276,860
 (for declaration not accompanying application)
Filed 7/18/94
☐ as amended on _____

(of application)

and for which a patent is sought, and that my residence, post office address and citizenship are as stated below next to my name. I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No. 08/220,602

March 25, 1994

Pending

(Application Serial No.)

(Filing Date)

(Status)

Direct Telephone Calls to:
 Lisa A. Haile, Ph.D.
 Reg. No. P-38,347

(Please Print) 1-00

Name of Inventor	LAST NAME	FIRST NAME	MIDDLE NAME	Residence: CITY	STATE or COUNTRY
1. Inventor	KARIN	MICHAEL		San Diego	California
Post Office Address: 2565 Chalcedony, San Diego, CA 92122					
2. Inventor	HIBI	MASAHIRO		San Diego	California
Post Office Address: 7528 Charmant Drive, No. 418, San Diego, CA 92122					
3. Inventor	LIN	ANNING		La Jolla	California
Post Office Address: 8655 Via Mallorca Drive, Apt. 93, La Jolla, CA 92093					
4. Inventor					China
Post Office Address:					
CITIZENSHIP					

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

SIGNATURE OF INVENTOR 1 <i>X</i>	SIGNATURE OF INVENTOR 2 <i>M. Hibi</i>
DATE <u>9-8-94</u>	DATE <u>9/9/94</u>
SIGNATURE OF INVENTOR 3 <i>A. Lin</i>	SIGNATURE OF INVENTOR 4
DATE <u>8-31-94</u>	DATE

Applicant or Inventor: Karin, et al. Attorney's LA93-173-3
Serial or Patent No.: 276,860 Docket No: PD3701
Filed or Issued: July 18, 1994
For: ONCOPROTEIN PROTEIN KINASE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION The Regents of the University of California
ADDRESS OF ORGANIZATION 300 Lakeside Drive, 22nd Floor
Oakland, CA 94612-3550

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled ONCOPROTEIN PROTEIN KINASE by inventor(s) Michael Karin, Masahiko Hibi, and Anning Lin described in

- ☐ the specification filed herewith
☒ application serial no. 08/276,860, filed July 18, 1994
☐ patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME Signal Pharmaceuticals
ADDRESS _____
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Linda S. Stevenson
TITLE IN ORGANIZATION Senior Prosecution Analyst, Office of Tech. Transfer
ADDRESS OF PERSON SIGNING 300 Lakeside Drive, 22nd Floor
Oakland, CA 94612-3550
SIGNATURE Linda S. Stevenson DATE 8-15-94

08795913.021397

Applicant or Patentee: Karin, et. al. Docket No. PD3701
Serial or Patent No.: 08/276,860 U. C. Case No. 93-173-3
Filed or Issued: July 18, 1994
For: ONCOPROTEIN PROTEIN KINASE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR § 1.9(f) and § 1.27 (c)] - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Signal Pharmaceuticals, Inc.
ADDRESS OF CONCERN: 5555 Oberlin Drive, Suite 100
San Diego, CA 92121

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR § 1.21.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party, or parties controls or has power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ONCOPROTEIN PROTEIN KINASE

Michael Karin, Masahiko Hibi and Anning Lin by inventor(s)
described in

☐ the specification filed herewith
☒ application serial no. 08/276,860, filed July 18, 1994
☐ Patent no. _____, issued _____

If the rights held by the small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an small business concern under 37 CFR § 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR § 1.27).

NAME The Regents of the University of California
ADDRESS 300 Lakeside Drive, 22nd Floor, Oakland, California 94612-3550
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate [37 CFR § 1.28(b)].

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine of imprisonment, or both, under 18 USC § 1001, and may jeopardize the validity of the application, any patent issuing thereon, or any patent which this verified statement is directed.

NAME OF PERSON SIGNING: Mark D. Carman
TITLE IN ORGANIZATION: VP. CORPORATE DEVELOPMENT
ADDRESS OF PERSON SIGNING: 5555 OBERLIN DR
SAN DIEGO, CA 92121

SIGNATURE Mark D. Carman DATE August 22, 1994